

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: <u>11/3/2021</u>

BETTER HOLDCO, INC.,

Plaintiff,

20-CV-08686 (JPC) (SN)

-against-

ORDER

BEELINE LOANS, INC.,

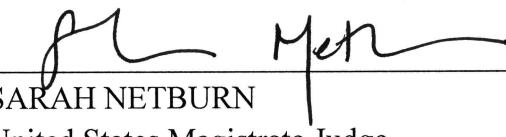
Defendant.

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SARAH NETBURN, United States Magistrate Judge:

On October 27, 2021, one day before the scheduled deposition of Emanuel Santa-Donato, Defendant moved to adjourn the deposition to a later date before the conclusion of fact discovery. Upon review of the parties' filings, the record before the Court reflects that Plaintiff's counsel has made every effort to make Senior Vice-President Santa-Donato reasonably available for deposition, and that Defendant's counsel was not diligent in securing the date and unduly delayed in his request to the Court. The Court would be well within its discretion to preclude the deposition, but to avoid prejudice to the Defendant, the Court will authorize the deposition, which shall be limited to only three hours. Additionally, Defendant's counsel is ORDERED to pay Plaintiff's counsel for two hours of Attorney Priyanka Wityk's time in compensation for the time expended in responding to the adjournment and rescheduling of the deposition.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

Dated: November 3, 2021
New York, New York